HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.8403 of 2001

Dated 20th August, 2005

Between:

P. Davaleswara Rao, S/o.Trinadha Swamy

Aged about 35 years, Neelanagaram village

Veeragattam Mandal, Srikakulam District. .. Petitioner

And

The President/Person-in-charge,

The Neelanagaram Primary Agricultural Coop.

Society, Neelanagaram Post, Veeragattam

Mandal, Srikakulam District and another .. Respondents

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ORAL ORDER:

None appeared for the petitioner. Heard the learned Government Pleader for Agriculture

This writ petition is filed seeking a Mandamus declaring the order dated 15.4.2001 passed by the 1st respondent seeking termination of the petitioner from service with effect from 30.4.2001 as arbitrary, illegal and contrary to the special bye-laws issued by the Registrar of Co-operative Societies.

The petitioner was initially appointed as Clerk. Based on the directions of the District Cooperative Officer, the President of the Society sought to terminate the petitioner from service and issued impugned proceedings, dated 15.4.2001. The only ground on which this writ petition is filed is that the said action of the President of the Society is contrary to the special bye-laws. There cannot be any dispute that bye-laws do not have a statutory force and the special bye-laws cannot be claimed as a matter of right. Therefore, the remedy of the petitioner is otherwise and not before this Court. Since no right of the petitioner is infringed, the writ petition is devoid of merits.

Hence, the writ petition is dismissed. No order as to costs.

20.08.2005

bcj